IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2634 OF 2005

Mr.Francis Rebello : Petitioner
V/s.
The State of Maharashtra & Anr. : Respondents

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Mr.B. G. Tangsali instructed by Mr. S. S. Pednekar for the petitioner.

Mr.P. I. Khemani, Assistant Government Pleader for the respondents.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : APRIL 25, 2005.

P.C.:

1. The petitioner is guilty of plying a more than eight years' old commercial vehicle in Mumbai, in clear and flagrant violation of the Order dated 3rd March, 2004, passed by a Division Bench of this Court. The petitioner's vehicle bearing No.MH-02-T-2476 was seized by respondent No.2 on 4th April, 2005, which was registered in Maharashtra.

2. The learned counsel appearing for the petitioner submitted that the petitioner was unaware of the above order of the Division Bench. He has apologised for the lapse, and has

given an undertaking to the Court that similar lapse will not be repeated.

3. We have heard the learned counsel for the parties at length.

4. The learned Assistant Government Pleader submitted that the petitioner is guilty of deliberately violating the order of this Court, whereas, according to the petitioner, the lapse has been committed because of the inadvertence. On consideration of the totality of the facts and circumstances, the learned Assistant Government Pleader suggested that for this lapse, the petitioner be directed to pay Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake). The learned counsel appearing for the petitioner, on instructions, has undertaken to pay this amount immediately. This amount would be utilised for the victims of *Tsunami* tragedy.

5. The petitioner, or any authorised representative on his behalf, would give an undertaking to respondent No.2, Regional Transport Officer (R.T.O.), not to ply the said vehicle in Mumbai

in future. On giving this undertaking and paying the said amount of Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake), the vehicle in question shall be released. The petitioner is directed to hand over the cheque, as mentioned above, to the R.T.O., who, in turn, shall forward the same to the Chief Minister's Office.

6. No further directions are necessary. This petition is, accordingly, disposed of.

7. The Registry is directed to send a copy of this order to the Chief Minister's Office for information.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.